



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.4478** the **“SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”**. The legislation implements numerous private sector recommendations for fostering an economic development climate in the state to attract global business and industry investment. The legislation provides for the gradual elimination of the corporate income tax, such that, beginning with the year 2013, the annual corporate income tax rate of five percent is to be reduced by one-half percent per year until the rate reaches zero for the year 2022 and thereafter. The legislation provides that a corporation establishing a national corporate headquarters in this State or expanding or adding to an existing national corporate headquarters, which adds at least fifty new full-time jobs performing corporate headquarters related functions and services is exempt from paying state corporate income taxes for a period of ten years. The legislation revises provisions for fee in lieu of property taxes agreements so as to: reduce the minimum investment requirement from ten million to five million; allow counties to increase the number of years a fee is available to thirty years (up from the current maximum of twenty years); and allows, with the county's consent, for a manufacturing real property in a fee in lieu arrangement to be taxed a fair market value. The legislation revises provisions for industrial development projects under fee in lieu of property taxes agreements, so as to accommodate investment in a qualified nuclear plant facility. The legislation allows a small business that has at least five employees at the time a revitalization agreement is initiated to be eligible for a job development credit upon the creation of at least one full-time job within five years. The legislation revises provisions for the Centers of Excellence Matching Endowment that is funded from the South Carolina Education Lottery Account by authorizing the Coordinating Council for Economic Development to award one-third of the endowment. For these awards, the matching requirements do not apply when the Secretary of Commerce certifies to the review board that the endowed professor will directly support a business or industry in South Carolina which will invest within a one-year period at least one hundred million dollars in capital investment at a single site. The legislation establishes the South Carolina Volume Cap Allocation Act to allow the state to make maximum use of two new types of recovery zone bonds added by provisions of the federal American Recovery and Reinvestment Act of 2009 (ARRA). The legislation expands incentives for life sciences facilities so that they also apply to renewable energy manufacturing facilities involved in the production of solar energy technology, wind turbines, or advanced lithium and ion, or other batteries for alternative energy motor vehicles. The legislation enacts the ‘South Carolina Renewable Energy Tax Incentive Program’ to provide tax incentives to companies in the solar, wind, geothermal, and other renewable energy industries that are expanding or locating in South Carolina. The current tax credit for the installation of solar energy technology on residential structures is expanded to include the installation of solar energy technology on commercial buildings. The South Carolina State Ports Authority board is authorized to award annually up to one million dollars of the eight million dollars of job tax credits to a new warehouse or distribution facility which commits to expending at least forty million dollars at a single site and creating one hundred new full-time jobs. The Commissioner of Agriculture and the Secretary of Commerce are required to produce a report with recommendations providing a plan to promote agribusiness economic development projects designed to expand markets for South Carolina-grown crops and produce which must be submitted to the General Assembly by January 1, 2011. Agribusiness

operations are added to the list of businesses that can qualify to receive tax credits for the creation of new jobs. The legislation revises jobs tax credits, investment tax credits, revitalization agreements, and numerous other economic development incentive tools.

The House gave second reading approval to **H.3489**, the **"SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2010"** which contains numerous tort reform provisions. The legislation caps the award of punitive damages at three times "compensatory damages" or \$350,000, whichever is higher. The limitation on punitive damages do not apply in situations involving: (1) intentional conduct; (2) conviction of a felony criminal charge in the course of conduct that gives rise to the damages; and 3) intoxication. The bill also establishes bifurcated trial on punitive before the same finder of fact; a "Clear and convincing" evidence standard for award of punitive; with eleven factors to be considered by the finder of fact in awarding punitive damages. Private Attorney Retention: the bill establishes the parameters under which the Attorney General or a Circuit Solicitor may retain outside counsel. The bill also sets up a sliding scale for contingent fee cases limiting the compensation to be received by the outside counsel based the amount of the award. All other proceeds are to be used for the State of South Carolina based on the Attorney General or Solicitor's judgment. The bill provides that outside counsel must provide the Attorney General or solicitor a detailed account of all work performed each month. In the case of contingent fee cases, outside counsel's compensation, not including punitive or exemplary damages, there will be no more than certain enumerated percentages corresponding to the amount of judgment. The bill establishes in relation to punitive or exemplary damages, enumerated percentages. With regard to expenses and costs, outside counsel shall only be reimbursed for reasonable costs and expenses when expressly authorized by the Attorney General or solicitor. The bill adds a process by which a solicitor or the Attorney General may depart from the guidelines set forth in the section by publicly disclosing the reasons for the departure and that he determined departure was in the best interest of the state. The written result of this process is a matter of public record. The bill contains a Statute of Repose to assure that building code violations do not constitute per se fraud, gross negligence or recklessness but, such violations may be introduced as evidence of fraud, gross negligence, or recklessness. The bill contains provisions for an Appeal Bond. This section would limit the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a larger business or \$ 1 million for a small business or individual, whichever is less. (Small and large business are defined based on gross receipts and number of employees). The statutory prohibition on admissibility of failure to use a seat belt is repealed. This would subject this information to the normal rules of evidence during a trial.

The House amended Senate amendments to **H.3396**, a **PROPOSED CONSTITUTIONAL AMENDMENT TO INCREASE THE HOLDINGS REQUIREMENT OF THE GENERAL RESERVE FUND**, and returned the legislation to the Senate. This joint resolution proposes to amend the South Carolina Constitution to provide for the amount required to be held in the General Reserve Fund to be increased gradually from three percent to five percent of state general fund revenue in the latest completed fiscal year. The resolution proposes to revise the General Reserve Fund holdings requirement to provide for an additional cumulative one half of one percent of general fund revenue in each fiscal year succeeding the last fiscal year to which the three percent applied and in which the full three percent balance was actually maintained until the percentage of such revenues equals five percent, which shall then and thereafter apply.

The House amended Senate amendments to **H.3395**, a bill to provide for the **ENHANCEMENT OF THE GENERAL RESERVE FUND**, and returned the bill to the Senate. The bill revises statutory provisions for the General Reserve Fund to conform them to any amendments to the South Carolina Constitution that change the amount required to be held in the General Reserve Fund and the rate of replenishment of that amount.

The House approved and sent to the Senate **H.4475**, a joint resolution proposing an amendment to the South Carolina Constitution to provide that the **SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR** (upon the advice and consent of the General Assembly). The term of office must be for four years, coterminous with that of the Governor. The General Assembly is to provide for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office.

The House amended, approved, and sent to the Senate **H.4248**, relating to **CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS**. This bill requires substitute teachers to have criminal background checks. There is no charge to the school district. The district board is to adopt a written policy on how the information is to be used, but any policy must prohibit hiring those convicted of violent crimes (SLED is to assist in training in the use of information).

The House concurred in Senate amendments to **H.3371** and enrolled the bill for ratification. This legislation establishes new requirements for the **CONTINUATION OF CARE FOR A SERIOUS MEDICAL CONDITION WHEN A PROVIDER BECOMES OUT-OF-NETWORK FOR A HEALTH INSURANCE PLAN** during the course of treatment. The legislation provides new requirements for health insurers covering such situations that allow the insured to receive continuity of care for ninety days or until the termination of the benefit period, whichever is greater.

The House amended, approved, and sent to the Senate **H.4093**, the **“MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT”**. The legislation aims to establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government to ensure that end-of-life televisions, computing, and printing devices are retired in a manner that promotes resource conservation through the development of an effective and efficient system for collecting and recycling such products, and to encourage manufacturers to offer such service to consumers conveniently and at no charge. Under the legislation, a manufacturer may sell or offer to sell a covered device in this state only if a manufacturer's brand label is permanently affixed in a readily visible location and only if the manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon. The legislation establishes requirements for these recovery systems. After July 1, 2011, a consumer must not knowingly place or discard a covered device or any of the components or subassemblies of a covered device in any waste stream that is to be disposed of in a solid waste landfill. An owner or operator of a solid waste landfill must not knowingly accept for disposal loads composed primarily of covered devices. The Department of Health and Environmental Control may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial

registration fee and/or annual fee on computer or television manufacturers of covered devices, the proceeds of which must be used solely for the purposes of implementing the provisions of this legislation. Any fee proposed by the department for computer manufacturers must be graduated based on volume of sales in this state and any fee for television manufacturers must be based on market share. A manufacturer that sells one thousand or fewer covered devices per year is exempt from any fee.

The House returned **S.328**, regarding **INOCULATING PETS AGAINST RABIES**, to the Senate with amendments. The legislation provides that rabies inoculations must be administered to pets by a licensed veterinarian or a licensed veterinary technician or veterinary assistant under a licensed veterinarian's direct supervision. The bill also eliminates the inoculation fee limitation for clinics. Nothing in this legislation may be construed to prohibit the owners of working animals or livestock from inoculating their own animals or purchasing United States Department of Agriculture approved rabies vaccines.

The House appointed a conference committee to address differences with the Senate over **S.454**, a bill revising **PYROTECHNIC SAFETY** provisions relating to the licensure and regulation of persons handling fireworks.

The House amended, approved, and sent to the Senate **H.4261**. This legislation provides that an officer of the South Carolina Law Enforcement Division, when there is reasonable cause, may issue an **ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF SUBSCRIBER OR CUSTOMER RECORDS DURING THE INVESTIGATION OF CRIMINAL CASES INVOLVING FINANCIAL CRIMES**. Investigations eligible are breach of trust with fraudulent intent, obtaining a signature or property by false pretenses, Financial Identity Fraud, financial transaction card or number theft, financial transaction card fraud, Computer Crimes Act and crimes against a federally chartered or insured financial institution. The bill includes good faith protections for financial institutions, public and private utilities, and communications providers. SLED is authorized to promulgate regulations.

The House amended, approved, and sent to the Senate **H.4256**, relating to **ADDITIONS TO REASONS FOR COMMUNICATION INTERRUPTION BY SLED**. The bill allows additional reasons for which the South Carolina Law Enforcement Division or authorized law enforcement officer may interrupt phone or internet communications by issuing administrative subpoenas to certain telecommunications providers in order to safeguard the public (which include threats to persons, hostage situations, resisting arrest with weapons, possibility of suicide, and threats to critical infrastructure). This bill authorizes SLED to promulgate regulations regarding issuing administrative subpoenas. The bill expands "good faith" coverage to internet providers under an administrative subpoena.

The House amended, approved, and sent to the Senate **H.4434**, relating to **NOTICE OF ELECTIONS**. This bill reduces the number of notices published in a newspaper from two to one and sets the information to be provided in the notice: the notice only must include the date, time, and type of election to be held, as well as the date by which a voter shall register in order to vote in the election. The notice must direct readers to the website of the State Election Commission for further information. Moreover, the authority conducting an election is to post notice on the State Election website of various elections in that county (also the county and municipal websites must link to the State

Election Commission website). The publication and posting must appear not later than forty five days before the election.

The House amended, approved, and sent to the Senate **H.4225**, a bill relating to definitions under the **VICTIM ASSISTANCE PROGRAM** provisions. The legislation revises the term “Victim Service Provider” to exclude magistrates, municipal judges, circuit court judges, and family court judges.

The House amended and gave second reading approval to **H.3736**, a bill revising the manner and **CONDITIONS UNDER WHICH LABOR ORGANIZATION MEMBERSHIP DUES MAY BE DEDUCTED FROM WAGES**. The legislation provides that it is unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written or electronic authorization for the deductions. This authorization may be revoked by the employee at any time by giving written or electronic notice of the revocation to the employer. Deductions for political activities or contributions shall not be deducted from the wages, earnings, or compensation of an employee.

The House amended and gave second reading approval to **H.4551**, a bill **INCORPORATING PREPAID WIRELESS TELECOMMUNICATIONS AND VOICE OVER INTERNET PROTOCOL INTO THE 911 EMERGENCY CALLING SYSTEM** provisions. The legislation imposes new fees upon prepaid wireless telecommunications and Voice over Internet Protocol (VoIP) for the support of the 911 emergency calling system that are in keeping with the fees that users of traditional telephone services and mobile telecommunications plans have been paying for the support of the system.

The House rejected **H.4200**. This bill revises the definition for an “extraordinary retail establishment” under the Tourism Infrastructure Admissions Tax Act by including within that definition “an **EXTRAORDINARY TOURISM ESTABLISHMENT**.” The legislation revises the requirements to qualify as “an extraordinary retail or tourism establishment” and for the designation of such establishments by the Department of Parks, Recreation and Tourism, so as to eliminate the limit on such designations, add additional infrastructure improvement costs which may be included with respect to the construction of such facilities, and revise the requirements relating to the conditional certification of the qualification on these facilities.

The House rejected **H.4479**. This bill includes detention officers and telecommunications personnel within the category of **LAW ENFORCEMENT OFFICERS ELIGIBLE TO CLAIM THE EIGHT DOLLARS A DAY SUBSISTENCE ALLOWANCE INCOME TAX DEDUCTION**.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Thursday, March 4, 2010, where several bills were discussed.

The full committee gave a favorable with amendment recommendation to **H.4503**, the **USE, SALE OR MANUFACTURE OF CLEANING AGENTS CONTAINING PHOSPHATES** provision. This bill adds household dishwashing detergent to the cleaning products included in the restriction on phosphates. This provision takes effect on July 1, 2010; however, this does not restrict the sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2011. A report shall be made to the General Assembly by January 15, 2013, on the availability, effectiveness and cost of non-phosphate commercial dishwashing detergents.

H.3975, relating to **MILITARY MEMBERS EXEMPTED FROM HUNTER'S EDUCATION PROGRAM**, received a favorable recommendation from the full committee. This bill exempts Armed Services personnel from taking the hunter's education course prior to receiving a South Carolina hunting license. This exemption is with the understanding that these persons can demonstrate that they received weapons training during their military career.

The full committee gave a favorable with amendment recommendation to **H.4015** relating to **NONGAME GILL NET PROVISIONS**. Along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy-five feet of a gill net previously set; drifted within seventy-five feet of another drifting net; or placed or set within seventy-five feet of the confluence of a tributary.

H.3996 dealing with the **POINT SYSTEM FOR HUNTING AND FISHING VIOLATIONS** received a favorable with amendment approval from the full committee. This bill outlines that the Department of Natural Resources shall deduct three accumulated points from a person's record upon a showing that the person successfully completed the department's instruction program. The bill also states conditions when a person is not eligible for point reduction.

The full committee gave a favorable with amendment approval to **H.3913**, the legislation dealing with **STRIPED BASS**. This bill outlines that in the inshore waters and territorial sea, except for certain portions of the Savannah River, from June first through September thirtieth, it is unlawful to possess any striped bass (rockfish). Any striped bass taken must be returned immediately to the waters from where it came. It also outlines that from October first through May thirty-first in the inshore waters and the territorial sea, except for a certain portion of the Savannah River, it is unlawful to take or possess more than three striped bass per day; take any striped bass less than twenty-six inches in length or land any striped bass without the head and tail fin intact. The bill establishes seasonal creel and size limits for striped bass in certain freshwater bodies in the Lower Santee and Cooper Rivers. The Department of Natural Resources shall study the Lower Santee and Cooper River systems and make recommendations on any needed modification to the restrictions before January 1, 2015.

S.1027, regarding the **"RENEGADE HUNTER ACT"** was given a favorable with amendment recommendation from the full committee. This legislation enacts the "Renegade Hunter Act" which prohibits using dogs to hunt on property without the permission of the landowner. The legislation states that hunting includes attempting to

take any game animal, hog or coyote by occupying stands, standing or occupying a vehicle while possessing, carrying or having readily accessible centerfire rifle and a shotgun with shot size larger than number four. In addition, the legislation outlines that possessing, carrying, or having readily available does not include a centerfire rifle or a shotgun that is 1) unloaded and cased in a closed compartment or vehicle; 2) unloaded and cased in a vehicle trunk or tool box; 3) in a vehicle traveling in a normal manner on a public road or highway; 4) or, in case of a stander with no vehicle, encased or unloaded with the shells at least thirty feet away and stacked.

The legislation further states that it is not a violation if a person, with the landowner's permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog. However, if a dog has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. There are penalties for violating these provisions. This legislation does not apply to bear hunting.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The full committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Thursday, March 4, and reported out three bills.

The committee gave a report of favorable with amendments on **S.1096**, a bill providing a mechanism for **FINANCING RESIDENTIAL ENERGY EFFICIENCY AND CONSERVATION MEASURES**. This bill provides electricity and natural gas providers the authority to finance the purchase price and installation cost of energy conservation measures for residential customers and recover this financing through charges paid for by the customers benefitting from the installation of the energy conservation measures. Before an electricity provider or natural gas provider may enter into a financing contract on a residence, an energy audit must be performed on the residence to demonstrate that energy savings can be expected from energy efficiency measures, such as weatherization and equipment upgrades. Should the residential customer agree to the installation of the of the efficiency measures, a second audit must be performed after the installation to show that energy savings have been realized. In order for electricity providers and natural gas providers to recover the costs, including financing costs, of the energy efficiency and conservation measures a separate meter conservation charge is placed on a customer's bill.

The committee gave a report of favorable with amendments on **S.168**, a bill relating to the **LIMITATION OF LEGAL LIABILITY FOR CERTAIN VOLUNTEERS**. The legislation establishes provisions to limit legal liability for volunteers providing transportation to handicapped individuals. The legislation revises existing medical malpractice insurance provisions so as to provide that a licensed health care provider who renders medical services voluntarily and without compensation, and seeks no reimbursement from charitable and governmental sources, and provides notice to the patient or patient's provider in a non-emergency, is not liable for any civil damages for any act or omission unless the act or omission was the result of the health care provider's gross negligence or willful misconduct.

The committee gave a report of favorable with amendments on **H.3354**, a bill relating to a **RESIDENTIAL PROPERTY OWNER'S DUTY TO COMPLY WITH BUILDING CODES AND STANDARDS WHEN MAKING IMPROVEMENTS OR CONSTRUCTING**. The legislation provides that when an owner of residential property makes an improvement to the property or builds a structure on the property, the owner owes to a subsequent owner of the property the same duty as a licensed contractor to comply with applicable building codes and industry standards. The legislation specifies that obtaining and passing an inspection by a building codes enforcement officer is prima facie evidence that an owner has satisfied the duty of care requirement.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.948 POLO HORSE DRUG COMPOUNDS Senator Verdin

This bill repeals Section 47-9-65 of the 1976 Code, concerning polo horse drug compounds.

S.1023 VENISON PROCESSOR Senator McConnell

This bill states that a deer processor may sell or utilize certain deer parts for commercial feed (pet food). A deer processor must notify the South Carolina Department of

Agriculture of the intent to sell or utilize deer parts for commercial feed during that year's deer season. The deer processor must abide by the provisions of the Commercial Feed Act.

S.1127 DISSOLVED OXYGEN CONCENTRATION DEPRESSION

Sen. Campbell

This bill provides that the standard for dissolved oxygen is 0.1 MG/L., which deals with procedures to obtain site-specific effluent limit.

S.932 HOGS Senator L. Martin

Under this bill, it is unlawful to possess, buy, sell, offer for sale, transfer, release or transport for the purpose of release a member of the Suidae family (pig) for hunting. The bill also states that it is unlawful to remove a live hog from a trap or from the woods, fields, or marshes. The provision does not apply to the accepted farming practices related to members of the Suidae family.

S.974 HUNTING AND FISHING LICENSES Senator Campsen

This bill provides that annual hunting and fishing licenses shall be valid for one year from the date of issuance. In addition it provides that three-year hunting and fishing licenses shall be valid for three years from the date of issuance. Among many things the bill outlines that the Department of Natural Resources may issue three-year combination licenses, sportsman licenses, junior sportsman licenses, big game permits and wildlife management area permits. The bill also outlines the collection of revenues and various deposits.

H.4673 SOIL CLASSIFIERS Rep. Long

This bill establishes that the Department of Labor, Licensing and Regulation shall serve as the agency of licensure for professional soil classifiers and shall administer the program. The bill provides that persons engaging in professional soil classification must be licensed, rather than registered. The bill revises qualifications for licenses and also provides grandfathering provisions.

EDUCATION AND PUBLIC WORKS

H.4664 REQUIREMENTS FOR GENERAL EQUIVALENCY (GED) DIPLOMAS

Rep. Loftis

This bill provides that the State Board of Education shall require a GED candidate to participate in the Work Keys Program and pass any related assessments before he is eligible to receive a GED.

H.4682 DANCE INSTRUCTION Rep. Erickson

Under this bill, dance instruction that meets certain standards may be used to satisfy one-half of the required physical education minutes. Currently, dance instruction may be used to satisfy one-fourth of the required physical education minutes.

H.4685 TEACHING CERTIFICATE REQUIREMENTS Rep. Sellers

This bill provides that a person who applies for a certificate to become a teacher in the public schools of this State shall, in addition to other requirements, register to vote.

H.4686 "WATER SAFETY AWARENESS MONTH" Rep. Gilliard

This House Resolution declares May 2010 as "Water Safety Awareness Month". The resolution encourages school districts to provide at least one hour of instruction on water safety during the month of May.

**H.4687 APPLICATION FOR A DRIVER'S LICENSE OR PERMIT
Rep. G. M. Smith**

This bill allows a person to present to the Department of Motor Vehicles a valid birth certificate or United States military identification with his application to satisfy the requirement that an applicant for a driver's license or permit must present the department with acceptable proof of date and place of birth.

JUDICIARY

**H.4667 UNFAIR TRADE PRACTICE RELATING TO PUBLIC SOCIAL
SERVICES Rep. Neilson**

Under this bill, it is an unfair trade practice to charge or receive an unreasonable fee to prepare, assist, or advise a prospective applicant, an applicant, or a recipient in procuring, maintaining, or securing of public social service. The bill allows treble damages for engaging in this unfair trade practice. There is an exception for attorneys providing certain services.

**H.4668 ADDITIONAL REMEDIES AVAILABLE TO FOR CERTAIN UNFAIR
TRADE PRACTICE ACTIONS Rep. Neilson**

In an action for an unfair trade practice brought by a person who is 65 years of age or older, a vulnerable adult, or handicapped, this bill provides that the person may be awarded up to \$5,000 in addition to other damages and remedies where certain findings are made. The bill includes provisions for the awarding of court costs and attorney's fees.

**H.4669 FINANCIAL ABUSE OF A PERSON 65 YEARS OF AGE OR OLDER
OR**

A VULNERABLE ADULT OR A HANDICAPPED PERSON Rep.

Neilson

This bill establishes financial abuse of a person 65 years of age or older or a vulnerable adult or a handicapped person as a civil cause of action. It defines financial abuse generally as taking real or personal property from such a person for a wrongful use, with intent to defraud, or by undue influence or when such a person lacks capacity. The bill specifies conduct that is deemed to be financial abuse, and it authorizes the awarding of attorney's fees and costs. The bill also establishes a four-year statute of limitations.

**H.4670 REMEDIES AVAILABLE FOR FRIVOLOUS ACTIONS AGAINST
CATTLE PRODUCERS OR OTHER LIVESTOCK PRODUCERS
Rep. Neilson**

If a civil action against a cattle producer or other livestock producer is found to be frivolous, this bill allows the cattle producer or other livestock producer against whom the

action was filed to file a counterclaim against the plaintiff for punitive damages, including emotional distress, in addition to recovery of attorney's fees and costs associated with the civil action.

H.4680 SCHEDULE I DRUGS Rep. Huggins

The bill adds Salvia divinorum and Salvinorin A to the list of Schedule I drugs.

H.4695 NONPROFIT CORPORATIONS Rep. Anderson

The bill outlines the manner in which a nonprofit corporation may convert to a for profit corporation. The bill includes additional conditions for the conversion of a public benefit or religious corporation to a for profit corporation.

LABOR, COMMERCE AND INDUSTRY

S.1096 FINANCING RESIDENTIAL ENERGY EFFICIENCY AND CONSERVATION MEASURES Sen. McConnell

This bill provides a mechanism for financing residential energy efficiency and conservation measures. This bill provides electricity and natural gas providers the authority to finance the purchase price and installation cost of energy conservation measures for residential customers and recover this financing through charges paid for by the customers benefitting from the installation of the energy conservation measures. Before an electricity provider or natural gas provider may enter into a financing contract on a residence, an energy audit must be performed on the residence to demonstrate that energy savings can be expected from energy efficiency measures, such as weatherization and equipment upgrades. Should the residential customer agree to the installation of the of the efficiency measures, a second audit must be performed after the installation to show that energy savings have been realized. In order for electricity providers and natural gas providers to recover the costs, including financing costs, of the energy efficiency and conservation measures a separate meter conservation charge is placed on a customer's bill.

H.4660 AUTOMOBILE REPAIRS Rep. Herbkersman

This bill prohibits arbitrary limits on written automobile repair estimates. The legislation prohibits certain persons from unilaterally or arbitrarily disregarding a repair operation or cost identified by an estimating system which an insurer and collision repair facility have agreed to utilize determining the cost of repair. The legislation prohibits an insurer, agent, employee, or a representative from recommending to an insured or a claimant to use a specific shop for repair. The legislation prohibits an insurer from owning or having an interest in an auto body repair facility.

H.4663 AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM REQUIREMENTS Rep. Sandifer

This bill provides that a building code provision that requires an automatic residential fire sprinkler system be installed in a new one-family or two-family dwelling may not be enforced. The legislation provides certain prospective homeowners may choose whether to have an automatic sprinkler system installed. The legislation makes the installation of an automatic sprinkler system approved by the International Residential Code available where required by that code. The legislation specifies the instances

where these provisions control even when they conflict with another law or local ordinance.

H.4672 LANDSCAPE ARCHITECTS Rep. Long

This bill revises provisions governing the licensure and regulation of landscape architects so as to conform them to the uniform statutory organizational framework established for boards under the administration of the Department of Labor, Licensing and Regulation. The legislation makes further provisions regarding the licensure and regulation of landscape architects.

H.4681 EMPLOYER'S FAILURE TO SECURE WORKERS' COMPENSATION INSURANCE FOR EMPLOYEES Rep. Funderburk

This bill revises provisions establishing the penalty for failure of an employer to secure workers' compensation insurance for its employees, so as to require the Workers' Compensation Commission to send a letter to the employer giving him thirty days before a penalty shall apply while a claim is pending. The legislation provides that the commission may promulgate regulations by which an employer not acting in good faith while failing to secure workers' compensation insurance shall not be offered the benefits of this thirty-day grace period.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.907 EMERGENCY MEDICAL SERVICES Senator Peeler

This bill updates the Emergency Medical Services Act of South Carolina. Several definitions relating to emergency medical services have been updated and added. Among many things, the bill requires the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation.

WAYS AND MEANS

S.391 DEPARTMENT OF WORKFORCE Sen. Ryberg

This bill creates the Department of Workforce as a cabinet level agency to perform workforce development functions and replace the Employment Security Commission in the administration of unemployment benefits.

S.1131 FEE IN LIEU OF PROPERTY TAXES AGREEMENT FOR A NUCLEAR PLANT FACILITY Sen. Peeler

This bill revises provisions for industrial development projects under fee in lieu of property taxes agreements, so as to accommodate investment in a qualified nuclear plant facility.

H.4661 ELIMINATION OF PROHIBITION ON A RETIREE UNDER SYSTEM FOR JUDGES AND SOLICITORS FROM RECEIVING RETIREMENT BENEFITS WHILE IN EMPLOYMENT COVERED BY ANOTHER SYSTEM Rep. Hutto

This bill eliminates the prohibition on a retiree under the Retirement System for Judges and Solicitors from receiving retirement benefits while in employment covered by the

South Carolina Retirement System (SCRS) or the South Carolina Police Officers Retirement System (SCPORS). The legislation provides that employer and employee contributions must be paid with respect to such employment but the retiree accrues no service credit on account of such contributions.

H.4662 INCOME TAX CREDIT FOR EXPENSES INCURRED IN UPGRADING

A

HOME TO QUALIFY AS A FOSTER PARENT Rep. Rice

This bill allows a state individual income tax credit for expenses incurred by the taxpayer, not to exceed seven hundred fifty dollars, to upgrade the taxpayer's residence to meet the standards of the South Carolina Department of Social Services (DSS) and applicable building code requirements in order for the taxpayer to qualify as a DSS foster parent.

H.4671 "MILITARY FAMILY LEAVE ACT" Rep. Gunn

This bill enacts the "Military Family Leave Act" to establish provisions for leave entitlement.

H.4683 "SOUTH CAROLINA RENEWABLE ENERGY AND ENERGY EFFICIENCY FINANCING DISTRICT ACT" Rep. Erickson

This bill establishes the "South Carolina Renewable Energy and Energy Efficiency Financing District Act" to authorize a municipality or a county to establish a district to promote, encourage, and facilitate renewable energy and energy development with a municipality or county. The legislation authorizes the imposition of an assessment for the purpose of financing renewable energy technology and energy efficiency improvements. The legislation authorizes the issuance of special district bonds or revenue bonds. The legislation requires certain provisions in ordinances authorizing the creation of a district.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

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